

Customer Number: 000959

COPY

Attorney's
Docket
Number HPZ-001

Declaration, Petition and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

TREATMENT OF CNS DISORDERS USING CNS TARGET MODULATORS
the specification of which

(check one)

 is attached hereto.

X was filed on October 16, 2002 as

Application Serial No. 10/272,510

and was amended on _____
(if applicable)

I do not know and do not believe that the subject matter of this application was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date of this application, or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date of this application on an application filed more than twelve months (six months if this application is for a design) before the filing of this application; and I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application, that no application for patent or inventor's certificate on the subject matter of this application has been filed by me or my representatives or assigns in any country foreign to the United States, except those identified below, and that I have reviewed and understand the contents of the specification, including the claims as amended by any amendment referred to herein.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

CLAIM OF BENEFIT OF EARLIER FOREIGN APPLICATION(S)

I hereby claim priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below, and have also identified below any foreign application(s) for patent or inventor's certificate filed by me on the same subject matter having a filing date before that of the application(s) from which priority is claimed.

Check one:

☒ no such applications have been filed.

☐ such applications have been filed as follows

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED WITHIN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Country	Application Number	Date of Filing (month,day,year)	Priority Claimed Under 35 USC 119
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

CLAIM FOR BENEFIT OF U.S. PROVISIONAL APPLICATION(S)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

60/329,701
(Application Serial No.)

October 16, 2001
(Filing Date)

60/381,507
(Application Serial No.)

May 17, 2002
(Filing Date)

60/414,243
(Application Serial No.)

September 27, 2002
(Filing Date)

60/418,821
(Application Serial No.)

October 16, 2002
(Filing Date)

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of any earlier United States application(s) or PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the earlier application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date(s) of the earlier application(s) and the national or PCT international filing date of this application. As to subject matter of this application which is common to my earlier application(s), if any, described below, I do not know and do not believe that the same was known or used by others in the United States or patented or described in a printed publication in any country before my invention thereof, or patented or described in a printed publication in any country or in public use or on sale in the United States more than one year prior to the date(s) of said earlier application(s), or first patented or caused to be patented or made the subject of an inventor's certificate by me or my legal representatives or assigns in a country foreign to the United States prior to the date(s) of said earlier application(s) on an application filed more than twelve months (six months if this application is for a design) before the filing of said earlier application(s); and I acknowledge that no application for patent or inventor's certificate on said subject matter has been filed by me or my representatives or assigns in any country foreign to the United States except those identified herein.

(Application Serial No.)

(Filing Date)

(Status)
(patented,pending,aband.)

(Application Serial No.)

(Filing Date)

(Status)
(patented,pending,aband.)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

James E. Cockfield	Reg. No. 19,162	Maria C. Laccotripe Zacharakis	Limited Recognition
Thomas V. Smurzynski	Reg. No. 24,798		Under 37 C.F.R. § 10.9(b)
Ralph A. Loren	Reg. No. 29,325	Debra J. Milasincic	Reg. No. 46,931
Giulio A. DeConti, Jr.	Reg. No. 31,503	David R. Burns	Reg. No. 46,590
Ann Lamport Hammitte	Reg. No. 34,858	Sean D. Detweiler	Reg. No. 42,482
Elizabeth A. Hanley	Reg. No. 33,505	Cynthia L. Kanik	Reg. No. 37,320
Amy E. Mandragouras	Reg. No. 36,207	Theodore R. West	Reg. No. 47,202
Anthony A. Laurentano	Reg. No. 38,220	Shayne Y. Huff	Reg. No. 44,784
Kevin J. Canning	Reg. No. 35,470	Hathaway P. Russell	Reg. No. 46,488
Jane E. Remillard	Reg. No. 38,872	Daniel B. Ko	Reg. No. 47,332
DeAnn F. Smith	Reg. No. 36,683	John S. Curran	Reg. No. 50,445
Peter C. Lauro	Reg. No. 32,360	Lisa M. DiRocco	Reg. No. 51,619
Jeanne M. DiGiorgio	Reg. No. 41,710	Richa Nand	Reg. No. P52,059
Megan E. Williams	Reg. No. 43,270	Danielle L. Herritt	Reg. No. 43,670
Jeremiah Lynch	Reg. No. 17,425		
David J. Ridders	Reg. No. 43,882		

Send Correspondence to Elizabeth A. Hanley, Esq. at **Customer Number: 000959** whose address is:

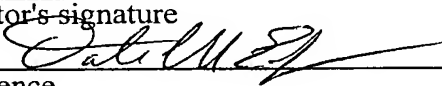
Lahive & Cockfield, LLP, 28 State Street, Boston, MA 02109

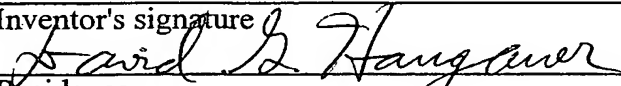
Direct Telephone Calls to: (name and telephone number)

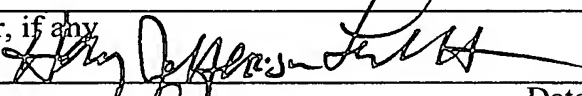
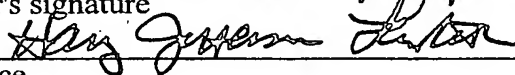
Elizabeth A. Hanley, Esq., (617) 227-7400

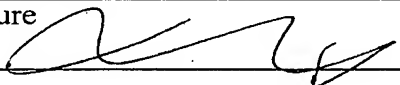
Wherefore I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Dale M. Edgar	
Inventor's signature 	Date December 2, 2002
Residence 15 Grove Street, Wayland, MA 01778	
Citizenship United States	
Post Office Address (if different)	

Full name of second inventor, if any David G. Hangauer	
Inventor's signature 	Date 12/11/02
Residence 8431 Hidden Oaks Drive, East Amherst, NY 14051	
Citizenship United States	
Post Office Address (if different)	

Full name of third inventor, if any Harry Jefferson Leighton 	
Inventor's signature 	Date 12/05/02
Residence 25 Brook Street, Brookline, MA 02445	
Citizenship United States	
Post Office Address (if different)	

Full name of fourth inventor, if any Emmanuel J.M. Mignot	
Inventor's signature 	Date 12/03/02
Residence 771 Ramona Street, Palo Alto, CA 94301	
Citizenship France	
Post Office Address (if different)	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dale M. Edgar, David G. Hangauer, Harry Jefferson Leighton and
Emmanuel J. M. Mignot

Application No.: 10/272,510 Group Art Unit: 1614

Filed: October 16, 2002 Examiner: Not available

Confirmation No.: 8421

For: TREATMENT OF CNS DISORDERS USING CNS TARGET
MODULATORS

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
on 10/3/03	<i>Judith K. Sherman</i>
Date	Signature
Judith K. Sherman	
Typed or printed name of person signing certificate	

REVOCATION OF POWERS OF ATTORNEY
AND APPOINTMENT OF NEW ATTORNEYS AND/OR AGENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Hypnion, Inc., a Corporation duly organized under the laws of the State of Delaware, is the assignee of the entire right, title and interest in the above-identified application. Hypnion, Inc. hereby appoints the attorneys and/or agents associated with:

Customer No. 21005
Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, Massachusetts 01742-9133

10/272,510

-2-

to prosecute the above-identified application and any divisions or continuations thereof and to conduct all business in the United States Patent and Trademark Office. All previously granted Powers of Attorney are hereby revoked.

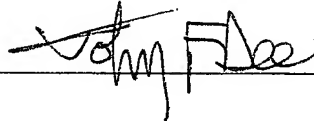
A Statement under 37 C.F.R. §3.73(b) is submitted herewith.

All correspondence should be sent to Customer No. 21005, Hamilton, Brook, Smith & Reynolds, P.C., 530 Virginia Road, P.O. Box 9133, Concord, Massachusetts 01742-9133. Please direct all telephone calls to David E. Brook Esq., at (978) 341-0036, and all facsimile communications to (978) 341-0136.

Respectfully submitted,

HYPNION, INC.

By



Title

PRESIDENT & CEO

Date

OCTOBER 2, 2003

Docket No. 3561.1000-004 (HPZ-001)

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicants: Dale M. Edgar, David G. Hangauer, Harry Jefferson Leighton and Emmanuel J. Mignot

Application No.: 0/272,510 Filed: October 16, 2002

For: TREATMENT OF CNS DISORDERS USING CNS TARGET MODULATORS

Hypnion, Inc., a Corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

- A. ☒ the assignee of the entire right, title and interest in the patent application identified above; or
- B. ☐ an assignee together with ☐ of the entire right, title and interest in the patent application identified above.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: June 27, 2003

Name: John F. Dee

Title: President & CEO

Signature: [Signature]

Joint

ASSIGNMENT

WHEREAS, we, Dale M. Edgar, David G. Hangauer, Harry Jefferson Leighton and Emmanuel J. M. Mignot, have invented a certain improvement in Treatment of CNS Disorders Using CNS Target Modulators described in an application for Letters Patent of the United States, the specification of which:

☐ is being executed on even date herewith and is about to be filed in the United States Patent Office;

☒ was filed on October 16, 2002 as Application No. 10/272,510;

☐ was patented under U.S. Patent No. ☐ on ☐.

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WHEREAS, Hypnion, Inc. (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the State of Delaware, and having a usual place of business at Five Biotech, 381 Plantation Street, Worcester, Massachusetts 01605 desires to acquire an interest therein in accordance with agreements duly entered into with us;

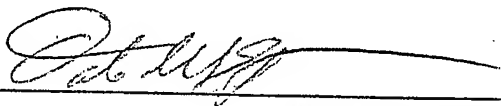
NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns and legal representatives, the entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to said invention as described in said application, together with the entire right, title and interest in and to said application and such Letters Patent as may issue thereon; said invention, application and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of the entire right, title and interest in and to said invention, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all such Letters Patent to ASSIGNEE for its own name as assignee of the entire right, title and interest therein;

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns and legal representatives, but at its or their expense and charges, including the execution of applications for patents in foreign countries, and the execution of substitution, reissue, divisional or continuation applications and preliminary or other statements and the giving of testimony in any interference or other proceeding in which said invention or any application or patent directed thereto may be involved;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor's Signature: _____



Dale M. Edgar


State/Commonwealth _____

of MASSACHUSETTS

County of WORCESTER

Then personally appeared before me the above-named Dale M. Edgar and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 12TH day of JUNE, 2003.

(SEAL)

 Notary Public

(print name)

My Commission expires ____/____/____

MICHAEL E. FITZGERALD
NOTARY PUBLIC
My Commission Expires Feb. 20, 2009

Inventor's Signature: _____

David G. Hangauer
David G. Hangauer

State/Commonwealth

of Massachusetts

County of Middlesex

Then personally appeared before me the above-named **David G. Hangauer** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 20th day of June, 2003.

(SEAL)

Barbara J. Forgue Notary Public
Barbara J. Forgue (print name)
My Commission expires 4/12/04

Inventor's Signature: _____

Harry Jefferson Leighton
Harry Jefferson Leighton

State/Commonwealth

of Massachusetts

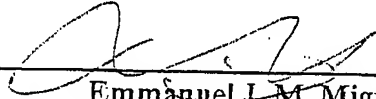
County of Middlesex

Then personally appeared before me the above-named **Harry Jefferson Leighton** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 20th day of June, 2003.

(SEAL)

Barbara J. Forgue Notary Public
Barbara J. Forgue (print name)
My Commission expires 4/12/04

Inventor's Signature: _____



Emmanuel J. M. Mignot

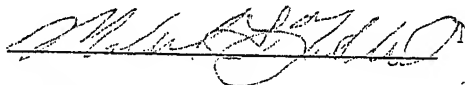
State/Commonwealth

of MASSACHUSETTS

County of WORCESTER

Then personally appeared before me the above-named **Emmanuel J. M. Mignot** and acknowledged that he/she executed the foregoing instrument as his/her free act and deed this 27TH day of JUNE 2003.

(SEAL)



Notary Public

MICHAEL E. FITZGERALD (print name)

My Commission expires 02/20/09